Supreme Court, U. S.
FILED
AUG 21 1975
MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court of the United States

October Term, 1975

No. 75-54

LINDA ANN MOUNT and
JEROLD H. MOUNT, her husband,
Petitioners,

v.

HAROLD R. SUMNER,
Respondent.

REPLY BRIEF IN ANSWER TO DEFENSE BRIEF IN OPPOSITION TO PETITION FOR A WRIT OF CERTIORARI

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Petitioners reply to the Defense brief as follows. Your Honorable Court must understand that we did not consent to a six-person jury willingly. We had no choice. We asked for a jury trial. The only juries available are six-person juries. The stipulation printed in the Appendix to the defense brief is a stipulation, also required prior to starting trial, to continue with an alternate juror if necessary and to accept the verdict of a five-person jury if necessary.

We urge Your Honorable Court to reconsider Your Decision in Colgrove v. Battin, 413 U.S. 149 (1973), or to amplify it in consideration of the Circuit Court's being able to eliminate oral argument and its written opinion.

KENNETH W. BEHREND,
Attorney for Petitioners.